

JENNIFER LLOYD KELLY (CSB NO. 193416)
jennifer@tyzlaw.com
RYAN TYZ (CSB NO. 234895)
ryan@tyzlaw.com
CIARA N. MCHALE (CSB NO. 293308)
ciara@tyzlaw.com
SEAN K. APPLE (CSB NO. 305692)
sapple@tyzlaw.com
TYZ LAW GROUP PC
4 Embarcadero Center, 14th Floor
San Francisco, CA 94111
Telephone: 415.868.6900

Attorneys for Plaintiff
GOOD JOB GAMES BILISM YAZILIM
VE PAZARLAMA A.S.

Craig B. Whitney (SBN 217673)
Nicole Bergstrom (admitted pro hac vice)
FRANKFURT KURNIT KLEIN & SELZ, P.C.
28 Liberty Street, 35th Floor
New York, New York 10005
Telephone: (212) 980-0120
Facsimile: (212) 593-9175
cwhitney@fkks.com
nbergstrom@fkks.com

Vishwanath Mohan (SBN 313759)
FRANKFURT KURNIT KLEIN & SELZ, P.C.
2029 Century Park East, Suite 2500N
Los Angeles, CA 90067
Telephone: (310) 579-9600
Facsimile: (310) 579-9650
vmohan@fkks.com

Attorneys for Defendant
SAYGAMES, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOD JOB GAMES BILISM YAZILIM
VE PAZARLAMA A.Ş. d/b/a GOOD JOB
GAMES, a Turkish Corporation

Plaintiff,

v.

SAYGAMES, LLC, a Belarusian Business
Entity,

Defendant.

Case No: 3:19-cv-07916-EMC

**JOINT STIPULATION AND
[PROPOSED] ORDER FOR REMOTE
DEPOSITION PROCEDURE**

**JOINT STIPULATION AND [PROPOSED] ORDER RELATED TO THE
PROCEDURE FOR CONDUCTING REMOTE DEPOSITIONS**

The Parties in the above-captioned matter, by and through their respective counsel, jointly stipulate to the following procedure for conducting remote depositions:

1. Depositions can be conducted remotely using videoconference technology (“Remote Depositions”), and each deponent shall be video recorded. Only the designated court reporter and videographer will be permitted to record the Remote Depositions.

2. The transcript and video records of any Remote Depositions taken pursuant to this stipulation may be used at a trial or hearing to the full extent that an in-person deposition transcript or video record may be used at trial or hearing, and the Parties agree not to object to the use of these records on the basis that the deposition was taken remotely. The Parties reserve all other objections to the use of any deposition testimony at trial.

3. The deponent, court reporter, and counsel for the Parties will each participate in the Remote Depositions remotely and separately. The deponent and his or her counsel shall each occupy separate rooms and shall not physically interact (only interacting remotely) during the Remote Deposition. For the avoidance of doubt, the deponent and his or her counsel may confer during lunch or other scheduled breaks when the parties are off the record. At any time when the Parties are on the record during a Remote Deposition, the witness, defending attorney, and questioning attorney shall all be visible to each other. Additionally, at any time when the parties are on the record, the statements of each person attending a Remote Deposition, regardless of their role, shall be audible to all participants, and they should each strive to ensure their environment is free from noise and distractions.

4. The Parties will comply with Judge Chen’s Civil Standing Order on Discovery, including Section 3.f. Given that the depositions will be conducted remotely, the Parties agree that deponents and their attorneys will not engage in any private communications through any means while the deponent is on the record, except for the sole purpose of determining whether a privilege should be asserted. Nothing in this paragraph shall bar outside counsel for the same

1 party from conferring with each other while the deponent is on the record; nor shall this paragraph
2 prohibit deponents from conferring with their counsel while off the record.

3 5. The court reporter is an “Officer” as defined by Federal Rule of Civil Procedure
4 28(a)(2) and shall be permitted to administer the oath to the witness remotely via the
5 videoconference. The Parties agree not to challenge the validity of any oath administered by the
6 remote court reporter, regardless of the location of the court reporter or the deponent, even if the
7 court reporter is not a notary public in the state or country where the deponent resides or is located.

8 6. Counsel for each deponent shall consult with the deponent prior to the deposition
9 to ensure the deponent has the required technology. The Parties agree to work collaboratively
10 and in good faith with the court reporting, videoconference, and remote deposition services
11 provider(s) to assess each deponent’s technological abilities and to troubleshoot any issues at least
12 48 hours in advance of the deposition so any adjustments can be made. The Parties also agree to
13 work collaboratively to address and troubleshoot technological issues that arise during a
14 deposition and make such provisions as are reasonable under the circumstances to address such
15 issues. This provision shall not be interpreted to compel any Party to proceed with a deposition
16 where the deponent cannot hear or understand the other participants or where the participants
17 cannot hear or understand the deponent.

18 7. The Parties agree that for any deposition of a deponent that requires language
19 translation services, counsel taking the deposition will provide and cover the cost of such
20 translation services and counsel for the deposed is permitted to have a separate check translator
21 attend the deposition. For depositions noticed after the date of this Stipulation, the deponent must
22 provide notice that translation services are required and identify the language within 10 days of
23 receiving notice of a deposition. The noticing party’s translator shall be the translator of record
24 for the deposition. If a check translator objects to any portion of the official translation, the
25 objection shall be stated simply for the record. The translator of record need not respond. All
26 questions, answers, objections, and colloquy between counsel shall be translated for the witness;
27 however, all counsel shall refrain from unnecessary colloquy and lengthy speaking objections so
28 as not to obstruct the depositions. The Parties further agree that if a deposition for the purposes

of jurisdictional discovery require language translation, the total available time on the record allotted for such deposition shall be increased from four hours to five hours and thirty minutes. For any other deposition requiring language translation, the total available time on the record allotted for such deposition shall be increased from seven hours to ten hours, and the deposition may continue from day to day, excluding Sundays and holidays, until completed.

8. A Party may, at any time, initiate a meet and confer process with the other Party concerning changes or clarifications of this Stipulation.

Dated: May 13, 2022

TYZ LAW GROUP PC

/s/ Sean Apple

Sean Apple

*Attorneys for Plaintiff
Good Job Games Bilism Yazilim Ve
Pazarlama A.S.*

Dated: May 13, 2022

FRANKFURT KURNIT KLEIN & SELZ,
P.C.

/s/ Craig B. Whitney

Craig B. Whitney

*Attorneys for Defendant
SayGames, LLC*

SO ORDERED:

The Honorable Edward M. Chen
United States District Judge

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Sean Apple, attest that concurrence in the filing of this Joint Stipulation And [Proposed] Order for Remote Deposition Procedure has been obtained from the other signatory. I declare under penalty of perjury that the foregoing is true and correct. Executed on May 13, 2022.

/s/ Sean Apple

Sean Apple